

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF QUARTZSITE

JPA #91-72

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE," and the TOWN OF QUARTZSITE, hereinafter called "TOWN",

WHEREAS, the STATE is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, the TOWN is empowered by A.R.S. Section 48-572 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said TOWN,

NO. <u>15930</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>07/31/91</u>
<u>Richard Mahoney</u> Secretary of State
By <u>Henry J. Mancini</u>

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain intersection improvements and/or modifications be made on the State Highway System in the TOWN. This work shall consist of the installation of intersection control beacons (flashers) and intersection lighting at the following location:

US 95 at Kuehn Avenue (Co. 58½ Street E.)

Milepost 103.98 - Quartzsite

Project # 95 LA 104 HX 00601C

NOW THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall furnish all materials and construct the intersection control beacons (flashers) on US 95 at Kuehn Avenue (Co. 58½ Street E.) MP 103.98 in the TOWN.

2. The TOWN, upon completion of the work, shall reimburse the STATE for 50% of the final construction and engineering costs on US 95 at Kuehn Avenue (Co. 58½ Street E.) MP 103.98, not to exceed \$11,000 for its share of the cost of the work.

3. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the intersection control beacons (flashers) are complete, in place, and functional.

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain intersection improvements and/or modifications be made on the State Highway System in the TOWN. This work shall consist of the installation of intersection control beacons (flashers) and intersection lighting at the following location:

US 95 at Kuehn Avenue (Co. 58½ Street E.)

Milepost 103.98 - Quartzsite

Project # 95 LA 104 HX 00601C

NOW THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall furnish all materials and construct the intersection control beacons (flashers) on US 95 at Kuehn Avenue (Co. 58½ Street E.) MP 103.98 in the TOWN.
2. The TOWN, upon completion of the work, shall reimburse the STATE for 50% of the final construction and engineering costs on US 95 at Kuehn Avenue (Co. 58½ Street E.) MP 103.98, not to exceed \$11,000 for its share of the cost of the work.
3. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the intersection control beacons (flashers) are complete, in place, and functional.

4. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to A.R.S. §38-511.

5. The provisions of A.R.S. §35-214 are applicable to this Agreement.

6. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

7. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the TOWN is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

8. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

JPA #91-72
Construction
Town of Quartzsite

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:


State Traffic Engineer

DATE:

July 1, 1991

TOWN OF QUARTZSITE

BY:

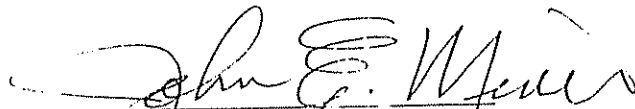

C. Richard Oldham, Mayor

TITLE:

DATE:

June 25, 1991

ATTEST:


Town Clerk, John E. Miner

TOWN OF QUARTZSITE
RESOLUTION NO. 91-01

EXHIBIT "A"

COPY

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA, SUPPORTING THE INSTALLATION RE: FLASHING SIGNALS AT CERTAIN LOCATIONS WITHIN THE MUNICIPAL LIMITS OF THE TOWN AND AUTHORIZATION FOR PAYMENT OF OPERATIONAL COSTS.

WHEREAS, the Arizona Department of Transportation, Highways Division, is currently pursuing the design and installation of all-red flashing signals at the locations of B-10 and Hwy 95, also known as Four Corners, and Hwy 95 and the South Frontage Road; and

WHEREAS, the Arizona Department of Transportation requires a resolution of the Common Council of the Town of Quartzsite, Arizona, stating their concurrence with the installations, and their willingness to pay the electrical bill for the operation of these devices; and

WHEREAS, the Common Council of the Town of Quartzsite, Arizona, hereby deems the installation of flashing red signals at the above locations to be necessary for the peace, health and safety of the Town of Quartzsite, Arizona;

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Common Council of the Town of Quartzsite hereby states their concurrence in the installation of an all-red flashing signal at the intersection of B-10 and Hwy 95, also known as Four Corners, and the intersection of the South Frontage Road and Hwy 95, both intersections being within the municipal limits of the Town of Quartzsite, Arizona; and

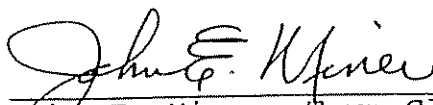
BE IT FURTHER RESOLVED, that the Town of Quartzsite, Arizona, shall pay any and all electrical charges for the operation of these devices once they are installed.

WHEREAS, it is necessary for the preservation for the peace, health, and safety of the Town of Quartzsite, Arizona, an emergency is declared to exist and this resolution will be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Quartzsite this 22nd day of January, 1991.


C. Richard Oldham, Mayor

ATTEST:


John E. Miner, Town Clerk

APPROVED AS TO FORM:

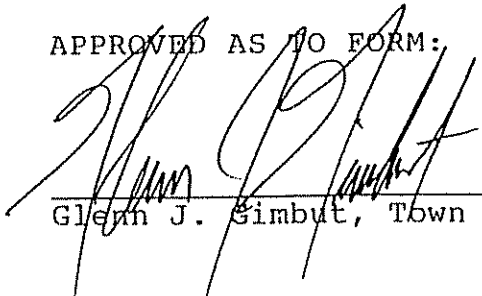

Glenn J. Gimbut, Town Attorney

EXHIBIT "B"

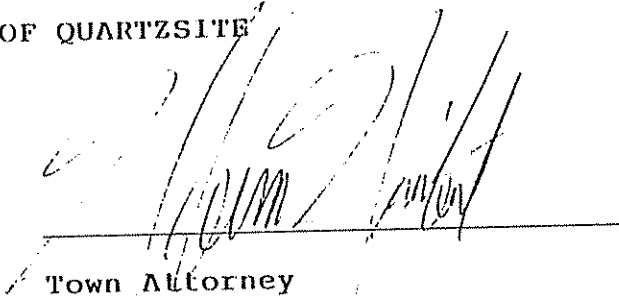
APPROVAL OF THE ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION and the TOWN OF QUARTZSITE and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 25 day of June, 1991.

TOWN OF QUARTZSITE

BY:


Town Attorney

CONSTRUCTION - TRAFFIC SIGNALS

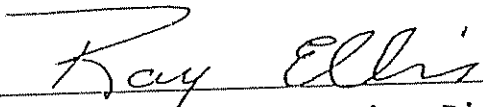
Project 95 LA 104 HX 00601C

US 95 at Kuehn Avenue (Co. 58½ Street E.) MP 103.98

TOWN OF QUARTZSITE

RESOLUTION

BE IT RESOLVED on this 12 day of June, that I, JAMES S. CREEDON, as Acting Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona that the ARIZONA DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into a Construction Intergovernmental Agreement with the TOWN OF QUARTZITE for the installation of intersection control beacons (flashers) and intersection lighting justified by engineering judgment. The TOWN OF QUARTZSITE shall reimburse the STATE for 50% of the final construction and engineering costs not to exceed \$11,000 for its share of the cost of this work. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.


for JAMES S. CREEDON, Acting Director
ARIZONA DEPARTMENT OF TRANSPORTATION

(11/5/91)

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

~~Re: KR 41-1561~~

Grant Woods

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR 41-1561, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 22 day of July, 1991.

GRANT WOODS
Attorney General

Paul A. [Signature]
Assistant Attorney General
Transportation Section